

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MSC MEDITERRANEAN SHIPPING
COMPANY S.A.,

Plaintiff,

v.

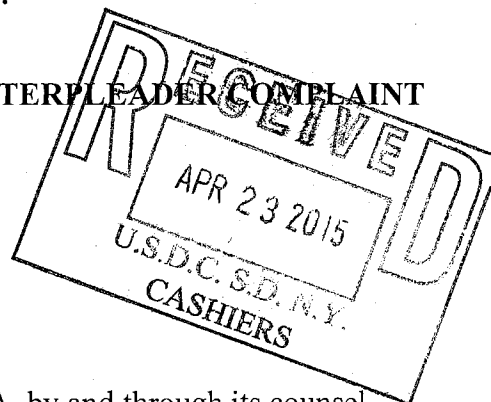
O.W. BUNKER NORTH AMERICA INC., O.W.
BUNKER USA, INC., O.W. BUNKER
(SWITZERLAND) S.A., ING BANK N.V.,

Defendants.

15 CV 03221

No.

INTERPLEADER COMPLAINT



Plaintiff MSC Mediterranean Shipping Company S.A. by and through its counsel,

Sheppard, Mullin, Richter & Hampton, LLP, files this interpleader complaint against defendants

O.W. Bunker North America Inc., O.W. Bunker USA, Inc., O.W. Bunker (Switzerland) S.A.,

and ING Bank N.V. , and alleges as follows:

PARTIES

1. MSC Mediterranean Shipping Company S.A. is a foreign business entity with its principal place of business in Geneva, Switzerland.
2. O.W. Bunker North America Inc. ("OWNA") is a Connecticut corporation with its principal place of business in Connecticut.
3. O.W. Bunker USA, Inc. ("OWUSA") is a Texas corporation with its principal place of business in Texas.

4. O.W. Bunker (Switzerland) S.A. (“OWB CH”) is a foreign business entity with its principal place of business in Switzerland.

5. ING Bank N.V. (“ING”) is a foreign business entity with its principal place of business in the Netherlands.

JURISDICTION AND VENUE

6. This is an admiralty and maritime action within this Court’s jurisdiction under 28 U.S.C. § 1333 and involves admiralty and maritime claims under Fed. R. Civ. P. 9(h).

7. The Court has jurisdiction over this interpleader action under 28 U.S.C. § 1335 because (a) at least two claimants are of diverse citizenship, (b) the dispute between claimants involves funds in an amount exceeding \$500.00, exclusive of interest and costs, (c) plaintiff, the required stakeholder, is prepared to file the bond Section 1335 requires. Venue is proper in this District.

CLAIM FOR INTERPLEADER RELIEF

8. Plaintiff was at all relevant times, either the owner, charterer or operator of the vessels listed below and, in each instance, contracted with OWB CH for supply of fuel on the following dates, at the ports and for the amounts shown (the "Bunkerings"):

VESSEL	DATE OF SUPPLY	PORT	AMOUNT
MSC BHAVYA	09/08/14	Long Beach	\$1,151,162.08
MSC CARMEN	09/09/14	Long Beach	\$47,579.81
MSC ELA	09/29/14	Long Beach	\$45,447.30
MSC NERISSA	09/15/14	Long Beach	\$1,035,077.05
MSC RAINA	10/17/14	Long Beach	\$537,300.72
MSC SOLA	09/28/14	Long Beach	\$395,873.47
MSC STELLA	10/20/14	New York	\$469,555.92
TOTAL			\$3,681,996.35

9. Upon information and belief, OWB CH subcontracted supply, in each case, to OWNA, OWUSA or both of them.

10. ING claims a security interest in MSC's payment obligation arising from each Bunkering.

11. Each Defendant contends it is entitled to payment for the Bunkerings. Plaintiff has made no payments for any of the Bunkerings because of these competing claims, is unsure which Defendant to pay, and is and will be subject to multiple claims for payments for the Bunkerings.

PRAYER

Plaintiff prays that the Court:

- (a) Approve the bond Plaintiff has tendered;
- (b) Issue an immediate order under 28 U.S.C. § 2361 precluding the commencement or continuation of any action or proceedings anywhere by Defendants to recover payment for the Bunkerings and precluding the arrest, attachment or restraint of any Vessel or any other property of Plaintiff;
- (c) Direct Defendants to file their claims for payment relating to the Bunkerings in these proceedings for the Court to adjudicate the proper party to whom payment is due;
- (d) Declare Plaintiff discharged from all liability with respect to the Bunkerings;
- (e) Grant other and further relief in Plaintiff's favor as may be just and proper.

Dated: New York, New York
April 23, 2015

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By:



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Shipping Company S.A.*